

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS' HEALTH AND  
WELFARE FUND and NEW ENGLAND LABORERS'  
TRAINING TRUST FUND; JAMES MERLONI, JR.,  
as he is TRUSTEE, MASSACHUSETTS LABORERS'  
PENSION FUND and MASSACHUSETTS LEGAL  
SERVICES FUND; MARTIN F. WALSH, as he is  
TRUSTEE, MASSACHUSETTS LABORERS'  
ANNUITY FUND,

Plaintiffs

vs.

LITTLETON ENVIRONMENTAL SERVICES, INC.,  
and its alter ego MADISON EXCAVATING CORP.,

Defendants

and

EASTERN BANK,

Trustee

C.A. No. 05-10011 PBS

**STIPULATION OF DISMISSAL**

Plaintiffs Paul J. McNally, as he is Trustee, Massachusetts Laborers' Health and Welfare Fund, et al., and Defendant Madison Excavating Corp. stipulate herein, pursuant to Rule 41(a)(1), Fed.R.Civ.P., that this case is dismissed as to the Defendant Madison Excavating Corp. without attorneys' fees and costs.

Respectfully submitted,

PAUL J. MCNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS'  
HEALTH AND WELFARE FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman  
Anne R. Sills, Esquire  
BBO #546576  
Gregory A. Geiman, Esquire  
BBO #655207  
Segal, Roitman & Coleman  
11 Beacon Street  
Suite #500  
Boston, MA 02108  
(617) 742-0208

MADISON EXCAVATING CORP.,

By its attorney,

/s/ M. Ellen Carpenter  
M. Ellen Carpenter, Esquire  
BBO #554142  
Roach & Carpenter, P.C.  
24 School Street  
Boston, MA 02108  
(617) 720-1800

Dated: November 2, 2005

### **CERTIFICATE OF SERVICE**

This is to certify that a copy of the above Stipulation of Dismissal has been served by first class mail upon Defendant Madison Excavating Corp. by its attorney M. Ellen Carpenter at Roach & Carpenter, P.C., 24 School Street, Boston, MA 02108 and upon Defendant Littleton Environmental Services at its last-known address, 41 Robinson Road, Littleton, MA 01460 this 2<sup>nd</sup> day of November, 2005.

/s/ Gregory A. Geiman  
Gregory A. Geiman, Esquire